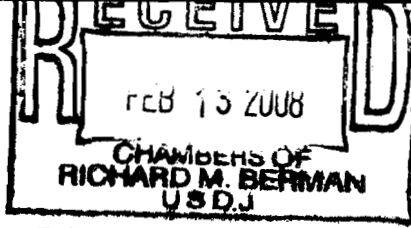


~~THE ROSEN LAW FIRM P.A.~~



February 12, 2008

BY FEDEX

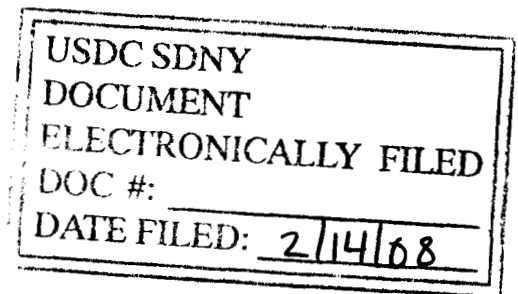
Honorable Richard M. Berman
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Gelmis v. Cole, et al., Case No. 08-CV-980 (RMB)

Your Honor:

MEMO ENDORSED

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I am an attorney for the Rosen Law Firm, P.A., attorneys for Plaintiff in the above-referenced securities fraud class action. This firm intends to file a motion to appoint lead plaintiffs and for appointment of lead counsel pursuant to Section 21D of the Securities Exchange Act, 15 U.S.C. § 78u-4(a)(3)(A) and to consolidate any related actions (the "Lead Plaintiff Motion").¹ The Lead Plaintiff motion is due on or before March 31, 2008. For the reasons set forth below, we respectfully request leave to file a Lead Plaintiff Motion without a pre-motion conference.

We are aware of the Court's individual practices and rules that require a pre-motion conference prior to filing this, and other motions. We seek leave from that rule. We wish to file a Lead Plaintiff Motion so as to meet the Exchange Act's requirement that such motions be filed no later than 60 days after the date the first early notice of the action was published. See 15 U.S.C. § 78u-4(a)(3)(A)(i)(II). In this case, the early notice was published by my firm on January 30, 2008. Thus, any Lead Plaintiff Motions must be filed no later than March 31, 2008.

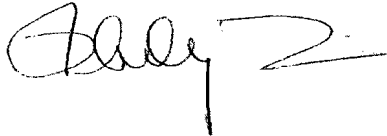
We respectfully submit that where, as here, we do not know the identities of any other potential lead plaintiff movants, and where filing of a motion is statutorily mandated by the 60-day limit, the requirement of a pre-motion conference should be waived and that leave be granted to file the Lead Plaintiff Motion.

Accordingly, we respectfully request that the Court grant us leave to file a Lead Plaintiff Motion without a pre-motion conference.


¹ Plaintiff is aware of at least one related action filed in this District, entitled *Rotas v. Municipal Mortgage and Equity, LLC, et al.*, Case No. 08-CV-1120-UA.

We thank the Court for its consideration of our request.

Respectfully submitted,



Phillip Kim (PK 9384)

<u>OK to file motion by 3/31/08</u>	
<u>but we are having conference on</u>	
<u>3/10/08 in any event.</u>	
SO ORDERED:	
Date: <u>2/14/08</u>	
Richard M. Berman, U.S.D.J.	